

PART Puc 402 DEFINITIONS

Adopt Puc 402.01, cited and to read as follows:

Puc 402.01 “Basic service” means single party, voice grade access to the public switched telephone network, touch tone service, access to enhanced 911, access to operator services, dialing parity, interLATA and intraLATA presubscription capability, access to LEC provided directory assistance, toll blocking options, caller ID blocking options and access to telephone relay service (TRS). Basic service also includes all basic service attributes and standards mandated by federal and state laws and rules.

Adopt Puc 402.02, cited and to read as follows:

Puc 402.02 “Bundled service” ~~shall~~ means a service where toll service and other optional services are combined with basic service and offered to residential customers for a single price.

Readopt and renumber Puc 402.01-402.02, eff. 5-21-97 (Doc #6512), as Puc 402.023-402.034 to read as follows

Puc 402.03 “Central office” means the inside plant of the telephone utility including switching and transmission equipment used to establish connections between customer lines or between customer lines and trunks.

Puc 402.04 “Commission” means the New Hampshire public utilities commission.

Readopt and renumber Puc 402.03-402-04, eff. 5-23-00 (Doc. #7283), as Puc 402.045-402.056 to read as follows:

Puc 402.05 “Competitive intraLATA toll provider (CTP)” means any authorized provider of intraLATA toll service within New Hampshire.

Puc 402.06 “Competitive local exchange carrier (CLEC)” means a telecommunications carrier, and its successors and assigns, authorized by the commission after July 23, 1995, the effective date of RSA 374:22-f, to provide basic service in a particular area an ILEC was authorized to serve prior to July 23, 1995.

Readopt and renumber Puc 402.05-~~402.08~~, eff. 5-21-97 (Doc. #6512) as Puc 402.057-~~402.06~~ and renumbered by Doc. #7283, as Puc 402.067-~~402.09~~ to read as follows:

Puc 402.07 “Customer” shall mean any person, firm, corporation, cooperative marketing association, utility or governmental unit, or subdivision of a municipality, or of the state or nation supplied with telephone service by any telephone utility.

Adopt Puc 402.08 to read as follows:

Puc 402.08 “Due date” means the date no less than 25 calendar days from the bill date when the bill is sent electronically or via first class mail and 30 calendar days when the bill is sent via bulk mail.

Readopt and renumber 402.06-402.08, eff 5-21-97 (Doc. #6512) as Puc 402.04-402.06 and renumbered by Doc. 7283, as Puc 402.09-402.11 to read as follows:

Puc 402.09 “Exchange” ~~shall~~ means an area, defined in the utility's tariff, served by one or more central offices, within which the utility furnishes telephone service at the exchange rates and regulations applicable in that area as prescribed in the tariff.

Puc 402.10 “Extended local service (ELS)” means a service arrangement whereby the local service areas of two or more exchanges are combined to form a single toll-free local service area.

Puc 402.11 “Form E-5” means “Electric and Telephone E-5” form.

Adopt Puc 402.12, cited to read as follows:

Puc 402.12 “Grandfathered basic service” means multi party, voice grade access to the public switched telephone network, touch tone service, access enhanced 911, access to operator services, dialing parity, interLATA and intraLATA presubscription capability, access to LEC provided directory assistance, toll blocking options, caller ID blocking options, and access to telephone relay service. Grandfathered basic service also includes all basic service attributes and standards mandated by federal and state laws and rules other than single party service.

Readopt and renumber Puc 402.09, eff. 5-23-00 (Doc. #7283), as Puc 402.10~~3~~ to read as follows:

Puc 402.13~~___~~ “Incumbent local exchange carrier (ILEC)” means a telecommunications carrier, and its successors and assigns, authorized under law or by the commission before July 23, 1995, the effective date of RSA 374:22-f, to provide basic service in the particular area for which it was authorized to provide service prior to July 23, 1995.

Readopt and renumber Puc 402.10-402.11, eff. 5-23-00 (Doc. #7283), as Puc 402.11~~14~~-402.12~~13-15~~ to read as follows:

Puc 402.14 “Local access transport area (LATA)” means a contiguous geographical area, the boundaries of which distinguish state regulated local calling from Federal Communications Commission-regulated long distance calling.

Puc 402.15 "Local exchange carrier (LEC)" means local exchange carrier as defined in RSA 378:44, IV, namely, the company that provides local telephone exchange service and renders the telephone bill to the customer.

Readopt and renumber Puc 402.12-402.15, eff .5-21-97 (Doc. #6512) as Puc 402.07-402-10 and renumbered by Doc. # 7283, to read as follows:

Puc 402.16 "Local service area" ~~shall~~ means the customer's exchange and any exchanges to which extended local service is provided in applicable utility tariffs.

Puc 402.17 "Outside plant" means the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights of way.

Puc 402.18 "Toll call" means any calls beyond the local service area and, if applicable, the extended local service area, as defined by the respective exchange service customer's local exchange utility.

Puc 402.19 "Utility" means any "public utility" as defined in RSA 362:2, owning, operating, or managing any plant or equipment, or any part of the same for the conveyance of telephone messages.

Readopt with amendment Puc 403.01-403.06, eff. 5-21-97 (Document #6512) cited and to read as follows:

PART Puc 403 SERVICE PROVISIONS

Puc 403.01 Filing of Tariffs.

(a) No utility shall render telephone service until it has filed a complete tariff with and received approval from the commission pursuant to Puc 1600.

(b) As part of its tariff as required by Puc 1600, each utility shall file maps with the commission, showing its local service area for each exchange.

Puc 403.02 Application for Service.

(a) A utility shall keep a record as to each instance in which it is not able to supply telephone service to prospective customers within 10 days following application for service.

(b) The record required by (a) above shall include:

(1) The name and address of each applicant who was not provided service within 10 days;(2) The date of application for service;

(3) The class of service applied for; and

(4) The reason the utility was unable to provide service within 10 days of application.

(c) A utility shall provide the commission with the information required in (a) and (b) above upon request.

Puc 403.03 Disconnection of Basic and Grandfathered Basic Service for Residential Customers.

(a) For customer initiated disconnections of basic service, a utility may require, pursuant to Puc 1203.10, that a residential customer shall:

(1) Give notice of up to 4 business days of his intention to discontinue service; and

(2) Be responsible for all charges until expiration of such notice period.

(b) For all other disconnections of basic service, a utility shall provide notice of disconnection of basic service, pursuant to Puc 403.04, to a residential customer, and may subsequently disconnect such service in conformance with Puc 403, only if:

(1) The customer has failed to pay any undisputed bill for basic service or undisputed basic service deposit request within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07 for the arrearage resulting from the provision of basic service or the basic service deposit request;

(2) The customer has failed to pay for an arrearage resulting from the provision of basic service according to the terms of a payment arrangement for an arrearage resulting from the provision of basic service entered into pursuant to Puc 1203.07;

(3) The customer has failed to pay the bill for basic service or enter into a payment arrangement for utility bill for basic services on or before the due date printed on the bill; or

(4) The customer refuses access to his premises for a necessary inspection of utility property.

(c) For the purposes of this section, allowed basic service charges shall include any charge or fee that would be levied if the customer only ordered basic service including but not limited to FCC subscriber line charges, enhanced 911 (E911) charges, state and federal taxes, charges for directory assistance provided by the local exchange carrier, charges for non-published numbers and non-listed numbers, and optional regulated services, excluding toll service, to which the customer subscribes.

(d) If basic service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.

(e) A utility may disconnect basic service to a residential customer without notice only if:

(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;

(2) A customer or resident in the customer's household has participated in or created ~~or contributed~~ to the following:

a. Fraudulent use or procurement of the utility's service; or

b. Tampering with the connections or other equipment of the utility; or

(3) The customer has:

a. Clearly abandoned the premises; or

b. Failed to abide by the terms of a payment arrangement for the provision of basic service entered into pursuant to Puc 1203.07.

(f) A utility shall not disconnect a customer's basic service if:

(1) The customer's unpaid bill for basic service is less than \$25.00, unless it includes an arrearage for the provision of basic service which is in whole or in part outstanding for more than 60 days;

(2) The customer's unpaid bill results from charges for services other than basic services including, but not limited to, charges for toll service, telephone directory advertising or telephone merchandise or equipment sales;

(3) The utility bills for basic service in advance and the service has not yet been provided; or

(4) The utility has, within the preceding 60 days, received notification, in accordance with (g) below, by a registered physician or a ~~certified~~ mental health practitioner as defined in RSA 330-A:2, VII that a medical emergency exists at the location or would result from the disconnection.

(g) In order to avoid disconnection of basic service pursuant to (f)(4) above, a registered physician's or ~~certified~~ mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:

(1) The initial notification may be made by the registered physician or ~~certified~~ mental health practitioner by telephone and shall be deemed valid for 7 days;

(2) The certification shall continue in force if a registered physician ~~certified~~ or mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and

(3) Written certification shall be renewable every 60 days as necessary.

(h) The physician's or ~~certified~~ mental health practitioner's certification of medical emergency described in (g) above shall be sufficient to retain basic service provided the customer enters into and complies with the terms of a payment arrangement for arrearages incurred for the provision of basic service pursuant to Puc 1203.07.

(i) A utility which intends to disconnect the basic service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to Puc 1203.07 shall notify the commission no fewer than 5 business days prior to disconnection.

Adopt Puc 403.04 to read as follows:

403.04 Disconnection of Bundled Service

(a) For customer initiated disconnections of bundled service, a utility may require, pursuant to Puc 1203.10, that a residential customer shall:

(1) Give notice of up to 4 business days of his intention to discontinue service; and

(2) Be responsible for all charges until expiration of such notice period.

(b) For all other disconnections of bundled service, a utility shall provide notice of disconnection of service, pursuant to Puc 403.05, to a residential customer, and may subsequently disconnect such service in conformance with Puc 403, only if:

(1) The customer has failed to pay any undisputed bill for bundled service within 30 days of the bill date;

(2) The customer has failed to pay any undisputed bundled service deposit request in accordance with Puc 1203.03;

(3) The customer has failed to pay the bill for bundled service or enter into a payment arrangement for payment of the bill for bundled service on or before the due date printed on the bill; or

(4) The customer refuses access to his premises for a necessary inspection of utility property.

(c) If bundled service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.

(d) A utility may disconnect bundled service to a residential customer without notice only if:

(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;

(2) A customer or resident in the customer's household has participated in or created ~~or contributed~~ to the following:

a. Fraudulent use or procurement of utility service; or

b. Tampering with the connections or other equipment of the utility; or

(3) The customer has:

a. Clearly abandoned the premises; or

b. Failed to abide by the terms of a payment arrangement for the provision of bundled service entered into pursuant to Puc 1203.07.

(e) A utility shall not disconnect a customer's bundled service if:

(1) The customer's unpaid bill for bundled service is less than \$50.00, unless it includes an arrearage for the provision of bundled service which is in whole or in part outstanding for more than 60 days;

(2) The customer's unpaid bill results from charges for services not included in the bundled service package including, but not limited to, telephone directory advertising or telephone merchandise or equipment sales;

(3) The utility bills for bundled service in advance and the service has not yet been provided; or

(4) The utility has, within the preceding 60 days, received notification, in accordance with (g) below, by a registered physician or a certified mental health practitioner that a medical emergency exists at the location or would result from the disconnection.

(f) In order to avoid disconnection of basic service pursuant to (f)(4) above, a registered physician's or certified mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:

(1) The initial notification may be made by the registered physician or certified mental health practitioner by telephone and shall be deemed valid for 7 days.;

~~Readopt with amendment Pue 403.01-403.06, eff. 5-21-97 (Document #6512) cited and to read as follows:~~

~~PART Pue 403 SERVICE PROVISIONS~~

~~Pue 403.01 Filing of Tariffs.~~

~~(a) No utility shall render telephone service until it has filed a complete tariff with and received approval from the commission pursuant to Pue 1600.~~

~~(b) As part of its tariff as required by Pue 1600, each utility shall file maps with the commission, showing its local service area for each exchange.~~

~~Pue 403.02 Application for Service.~~

~~(a) A utility shall keep a record as to each instance in which it is not able to supply telephone service to prospective customers within 10 days following application for service.~~

~~(b) The record required by (a) above shall include:~~

~~(1) The name and address of each applicant who was not provided service within 10 days;~~

~~(2) The date of application for service;~~

~~(3) The class of service applied for; and~~

~~(4) The reason the utility was unable to provide service within 10 days of application.~~

~~——(c) A utility shall provide the commission with the information required in (a) and (b) above upon request.~~

~~Puc 403.03 Disconnection of Basic and Grandfathered Basic Service for Residential Customers.~~

~~(a) For customer initiated disconnections of basic service, a utility may require, pursuant to Puc 1203.10, which a residential customer shall:~~

~~(1) Give notice of up to 4 business days of his intention to discontinue service; and~~

~~(2) Be responsible for all charges until expiration of such notice period.~~

~~(b) For all other disconnections of basic service, a utility shall provide notice of disconnection of basic service, pursuant to Puc 403.04, to a residential customer, and may subsequently disconnect such service in conformance with Puc 403, only if:~~

~~(1) The customer has failed to pay any undisputed bill for basic service or undisputed basic service deposit request within 30 days of the bill date, unless the customer has established payment arrangements pursuant to Puc 1203.07 for the arrearage resulting from the provision of basic service or the basic service deposit request;~~

~~(2) The customer has failed to pay for an arrearage resulting from the provision of basic service according to the terms of a payment arrangement for an arrearage resulting from the provision of basic service entered into pursuant to Puc 1203.07;~~

~~(3) The customer has failed to pay the bill for basic service or enter into a payment arrangement for utility bill for basic services on or before the due date printed on the bill; or~~

~~(4) The customer refuses access to his premises for a necessary inspection of utility property.~~

~~—— (c) For the purposes of this section, allowed basic service charges shall include any charge or fee that would be levied if the customer only ordered basic service including but not limited to FCC subscriber line charges, enhanced 911 (E911) charges, state and federal taxes, charges for directory assistance provided by the local exchange carrier, charges for non-published numbers and non-listed numbers, and optional regulated services, excluding toll service, to which the customer subscribes.~~

~~(d) If basic service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.~~

~~(e) A utility may disconnect basic service to a residential customer without notice only if:~~

~~(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;~~

~~(2) A customer or resident in the customer's household has participated in or created or contributed to the following:~~

~~a. Fraudulent use or procurement of the utility's service; or~~

~~b. Tampering with the connections or other equipment of the utility; or~~

~~(3) The customer has:~~

~~a. Clearly abandoned the premises; or~~

~~b. Failed to abide by the terms of a payment arrangement for the provision of basic service entered into pursuant to Puc 1203.07.~~

~~(f) A utility shall not disconnect a customer's basic service if:~~

~~(1) The customer's unpaid bill for basic service is less than \$25.00, unless it includes an arrearage for the provision of basic service which is in whole or in part outstanding for more than 60 days;~~

~~(2) The customer's unpaid bill results from charges for services other than basic services including, but not limited to, charges for toll service, telephone directory advertising or telephone merchandise or equipment sales;~~

~~(3) The utility bills for basic service in advance and the service has not yet been provided; or~~

~~(4) The utility has, within the preceding 60 days, received notification, in accordance with (g) below, by a registered physician or a certified mental health practitioner that a medical emergency exists at the location or would result from the disconnection.~~

~~(g) In order to avoid disconnection of basic service pursuant to (f)(4) above, a registered physician's or certified mental health practitioner certification of medical emergency shall be provided to the utility according to the following:~~

~~(1) The initial notification may be made by the registered physician or certified mental health practitioner by telephone and shall be deemed valid for 7 days;~~

~~(2) The certification shall continue in force if a registered physician-certified mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and~~

~~(3) Written certification shall be renewable every 60 days as necessary.~~

~~—— (h) The physician's or certified mental health practitioner's certification of medical emergency described in (g) above shall be sufficient to retain basic service provided the customer enters into and complies with the terms of a payment arrangement for arrearages incurred for the provision of basic service pursuant to Puc 1203.07.~~

~~(i) A utility which intends to disconnect the basic service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to Puc 1203.07 shall notify the commission no fewer than 5 business days prior to disconnection.~~

~~403.04 Disconnection of Bundled Service~~

~~(a) For customer initiated disconnections of bundled service, a utility may require, pursuant to Puc 1203.10, that a residential customer shall:~~

~~(1) Give notice of up to 4 business days of his intention to discontinue service; and~~

~~(2) Be responsible for all charges until expiration of such notice period.~~

~~(b) For all other disconnections of bundled service, a utility shall provide notice of disconnection of service, pursuant to Puc 403.05, to a residential customer, and may subsequently disconnect such service in conformance with Puc 403, only if:~~

~~(1) The customer has failed to pay any undisputed bill for bundled service within 30 days of the bill date;~~

~~(2) The customer has failed to pay any undisputed bundled service deposit request in accordance with 1203.03;~~

~~(3) The customer has failed to pay the bill for bundled service or enter into a payment arrangement for payment of the bill for bundled service on or before the due date printed on the bill; or~~

~~(4) The customer refuses access to his premises for a necessary inspection of utility property.~~

~~—— (c) If bundled service is disconnected for non-payment, a utility may charge for reconnection as provided in its approved tariff or rate schedule.~~

~~(d) A utility may disconnect bundled service to a residential customer without notice only if:~~

~~(1) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger;~~

~~(2) A customer or resident in the customer's household has participated in or created or contributed to the following:~~

~~a. Fraudulent use or procurement of utility service; or~~

~~b. Tampering with the connections or other equipment of the utility; or~~

~~(3) The customer has:~~

~~a. Clearly abandoned the premises; or~~

~~b. failed to abide by the terms of a payment arrangement for the provision of bundled service entered into pursuant to Pue 1203.07.~~

~~(e) A utility shall not disconnect a customer's bundled service if:~~

~~(1) The customer's unpaid bill for bundled service is less than \$50.00, unless it includes an arrearage for the provision of bundled service which is in whole or in part outstanding for more than 60 days;~~

~~(2) The customer's unpaid bill results from charges for services not included in the bundled service package including, but not limited to, telephone directory advertising or telephone merchandise or equipment sales;~~

~~(3) The utility bills for bundled service in advance and the service has not yet been provided; or~~

~~(4) The utility has, within the preceding 60 days, received notification, in accordance with (g) below, by a registered physician or a certified mental health practitioner that a medical emergency exists at the location or would result from the disconnection.~~

~~(f) In order to avoid disconnection of basic service pursuant to (f)(4) above, a registered physician's or certified mental health practitioner's certification of medical emergency shall be provided to the utility according to the following:~~

~~(1) The initial notification may be made by the registered physician or certified mental health practitioner by telephone and shall be deemed valid for 7 days;~~

~~(2) The certification shall continue in force if a registered physician-certified mental health practitioner provides written notice of the medical emergency to the utility within 7 days of certification by telephone; and~~

~~(3) Written certification shall be renewable every 60 days as necessary.~~

~~——(g) The physician's or certified mental health practitioner's certification of medical emergency described in (f) above shall be sufficient to retain basic service provided the customer enters into and complies with the terms of a payment arrangement for arrearages incurred for the provision of basic service pursuant to Puc 1203.07.~~

~~(h) A utility which intends to disconnect the basic service of a customer with a medical emergency currently certified pursuant to this section for failure to enter into or comply with the terms of a payment arrangement pursuant to Puc 1203.07 shall notify the commission no fewer than 5 business days prior to disconnection.~~

Readopt with amendment and renumber 403.04, eff 5-21-97 (Doc. #6523) as Puc 403.05 to read as follows:

Puc 403.05 Notice of Disconnection.

(a) A utility shall not, except as specified in Puc 403.03(e), disconnect the basic or bundled service of any customer unless the utility sends the customer written notice of the utility's intention to disconnect, mailed at least 14 days in advance of the date of the proposed disconnection.

(b) A utility shall not mail the disconnect notice referred to in (a) above to the customer fewer than 30 days from the bill date..

(c) The utility may disconnect service on a disconnect date scheduled pursuant to this section, unless the bill for basic or bundled service is paid or arrangements to pay the bill are made prior to disconnection.

(d) Unless otherwise requested by the customer, a utility shall only disconnect service to its residential customers between 8:00 am and 3:00 pm eastern time.

(e) Unless otherwise requested by the customer, utilities shall not disconnect service to residential customers during the hours specified in (d) above if the disconnection would occur on:

(1) A state or federal holiday;

- (2) The day preceding a state or federal holiday;
- (3) A day the commission is closed to the public; or
- (4) The day preceding a day the commission is closed to the public.

(f) Before disconnecting, the utility shall attempt to notify an adult occupant of the premises by telephone.

(g) If a utility employee or agent visits the premises to disconnect, that employee shall notify an adult occupant of the premises or, if no adult is at the premises, leave a note as to how the customer may be reconnected.

(h) If the utility sends an employee to the customer's premises for the purpose of disconnecting service and the customer tenders payment in full of the bill to prevent disconnection, the employee shall:

- (1) Either accept payment, give a receipt and leave the service connected; or
- (2) Without disconnecting, direct the customer to go immediately to the utility's nearest office and tender payment there.

(i) The employee or agent visiting the customer's residence for purpose of effecting disconnection, as provided in (h) above, shall know the full amount to be paid but shall not be required to make change or negotiate payment arrangements.

(j) The utility shall be required to follow the procedures outlined in (g), (h) and (i) above on any specific customer account no more than twice in any 12 month period.

(k) A utility may conduct a disconnection at times other than those permitted pursuant to (d) and (e) above if:

- (1) The customer has agreed to arrangements to disconnect; or
- (2) The utility must enter the premises to disconnect service and the utility has access to the premises only during times other than those permitted by (d) and (e) above.

(l) Every utility shall report to the commission each calendar year within 90 days of the end of the calendar year the annual number of disconnect notices sent out and the number of actual disconnections for non-payment. Compare with annotated text.

(m) Any disconnect notice which a utility sends to a customer pursuant to Puc 400 shall set forth in clear, concise and conspicuously printed words, the following information:

- (1) The name and mailing address of the customer;
- (2) The account number;
- (3) The date scheduled for disconnection of service;
- (4) The reason for the disconnection of service including the overdue amount;
- (5) The possible consequences of disconnection, such as deposit requirement, reconnection fee, and/or any other similar consequences;
- (6) The address and telephone number at which the customer may contact the utility;
- (7) The toll-free telephone number of the commission's consumer affairs division, which is: 1-800-852-3793;
- (8) When the notice is for the disconnection of basic service and charges for services other than basic service, including but not limited to toll service, telephone directory advertising or telephone equipment are included in the overdue amount, a utility shall:

~~(a)~~a. Separately list the amount due for basic service; and

~~(b)~~b. Include the following statement:

"Your basic service can be disconnected if you do not pay your basic service charges. Your basic service cannot be disconnected for non-payment of other charges such as in-state or out of state toll services, internet connectivity, telephone directory advertising or telephone equipment charges."

- (9) When the notice is for the disconnection of bundled service, and charges for services other than bundled service including but not limited to telephone directory advertising or telephone equipment are included in the overdue amount, a utility shall:

(a) Separately list the amount due for basic service; and

(b) Include the following statement:

"Your telephone service can be disconnected if you do not pay your charges for bundled telephone service. Your telephone service cannot be disconnected for non-payment of other charges such as telephone directory advertising or telephone equipment charges."

(10) The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice--Your Rights"; and

(11) Any additional data which the utility deems pertinent.

Readopt with amendment and renumber Puc 403.05, effective 5-21-97 (Doc. 6512) as Puc 403.06 to read as follows:

Puc 403.06 Disconnection Conferences with Customer.

(a) At the request of a customer a utility shall provide the customer with the opportunity for a conference with the utility if the request is made prior to the proposed date of disconnection of service specified in the disconnect notice.

(b) If a customer contacts the utility on the scheduled disconnection date requesting a conference, the customer shall not be entitled to a conference with the utility.

(c) If a customer contacts the utility either one or 2 days prior to the scheduled disconnection date requesting a conference, the utility shall schedule a conference no later than 3 business days after the request.

(d) If the customer contacts the utility as provided in (a) and (c) above and schedules a conference, the utility shall not disconnect service until the utility has notified the customer of the outcome of the conference.

(e) The conference may be conducted in person or by telephone.

(f) During the conference if the customer and the utility cannot agree on a resolution, the utility shall inform the customer of the customer's right to request a conference with the commission staff.

(g) In order to request a conference with the commission staff, a customer shall:

(1) Make the request with the commission's consumer affairs division before the later of:

a. The scheduled disconnection date; or

b. The fifth business day following utility notification to the customer of the outcome of the utility's conference with the customer; and

(2) Make the request to the commission's consumer affairs division in writing, in person, or by telephone.

(h) Each utility shall summarize on the customer record any conference with a customer, indicating the outcome of such conference.

(i) Upon the customer's request for a conference with the commission staff pursuant to (g) above:

(1) The commission staff shall notify the utility of the customer's timely made request;

(2) The utility shall forward to the commission's consumer affairs division a copy of that portion of the customer's record summarizing the conference and indicating the outcome of the conference along with any other information the commission staff may request; and

(3) The utility shall not disconnect service until the commission notifies the utility of the outcome of the commission staff's conference with the customer.

(j) If a customer files a written petition for a hearing before the commission pursuant to Puc 204, and the commission accepts the filing, the utility shall continue service to the customer until such time as the commission determines whether disconnection is justified.

Puc 403.07 Disconnection of Service to Non-residential Customers.

(a) For customer initiated disconnections of service, a utility may require that a non-residential customer shall:

(1) Give 4 business days notice to the utility of the customer's intention to discontinue service; and

(2) Be responsible for all charges until expiration of the notice period referred to in (1) above.

(b) For all other disconnections of service, a utility shall, before disconnecting the service of a non-residential customer, provide written notice of disconnection no fewer than 5 days prior to the scheduled date of disconnection.

(c) A utility may disconnect the service of a non-residential customer when:

(1) The customer has failed to pay any undisputed bill for basic service or undisputed deposit request within 30 days from the bill date;

(2) The customer has violated a provision of the utility's approved tariff or a commission rule; or

(3) The customer refuses access to his premises for a necessary inspection of utility property.

(d) Unless otherwise requested by the customer, utilities shall only disconnect service to its non-residential customers between 8:00 am and 3:00 pm eastern time.

(e) Unless otherwise requested by the customer, utilities shall not disconnect service to non-residential customers during the hours specified in (e) above if the disconnection would occur on:

- (1) A state or federal holiday;
- (2) The day preceding a state or federal holiday;
- (3) A day the commission is closed to the public; or
- (4) The day preceding a day that commission is closed to the public.

(f) A utility may disconnect a non-residential customer without giving the notice required in (a) above, in the following events:

(1)) A customer or a resident in the customer's household has undertaken an action or a situation has been created with respect to the customer's utility service which results in conditions dangerous to the health, safety, property or utility service of the customer or others and disconnection will lessen or eliminate the risk or danger~~When the customer has undertaken an action or a situation has been created with respect to the customer's utility service which creates a danger to life or immediate risk to property loss disconnection will lessen or eliminate the risk or danger;~~ or

(2) When the utility determines that the customer has engaged in fraudulent use of its telephone service.

(g) If service is discontinued for non-payment, the utility may make a charge for reconnection in accordance with the utility's approved tariff or rate schedule.

(h) A utility shall send written notice of disconnection to a non-residential customer, except as provided in (g) above, which shall include:

- (1) The name and mailing address of the customer;
- (2) The account number;
- (3) The date for the scheduled disconnection of service;
- (4) The reason for the disconnection of service including the overdue amount;

(5) The possible consequences of disconnection, such as deposit requirement, reconnection fees and other similar consequences;

(6) The address and telephone number at which the customer may contact the utility;

(7) The toll-free telephone number of the commission's consumer affairs division;

(8) The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice – Your Rights"; and

(9) Any additional data which the utility deems pertinent.

Readopt with amendments Puc 403.08, eff. 5-23-00 (Doc. #7286), to read as follows:

Puc 403.08 Disconnection of Associated Tariffed Services.

(a) For the purposes of this section, "associated service" means an additional existing telephone line provided by the same provider to the same customer at the same location for the same classification of service.

b) A utility may disconnect a residential customer's associated service for an arrearage resulting from the provision of basic or bundled service on the customer's other telephone line(s) and a non-residential customer's associated service for an arrearage resulting from the provision of utility service, provided that the utility complies with the disconnection requirements of Puc 403, if the utility:

(1) Provides a statement to the customer on the disconnection notice:

a. Conspicuously notifying the customer that disconnection of an associated service may occur as a result of an event for which disconnection could occur at the customer's other telephone line(s); and

b. Clearly and conspicuously stating that the associated service that may be disconnected; and

(2) Provides terms and conditions in its approved tariff for disconnection based on associated services.

(c) A utility may not disconnect a residential customer's associated service for any arrearage resulting from the provision of services other than basic service or bundled service to the customer's other telephone line.

(d) Notwithstanding the provisions of 403.03 (d), no utility shall charge for reconnection of an associated service.

Adopt Puc 403.09 to read as follows:

Puc 403.09 Application of Payments.

(a) For residential customers subscribing to basic service , the payment shall be applied to past due charges for basic first, past due charges for toll second, current charges for basic third, and current charges for toll fourth.

(b) For residential customers subscribing to a bundled service, the payments shall be applied to the past due charges for bundled service first, and current charges for bundled service second.

Readopt with amendment and renumber Puc 403.08, eff. 5-21-97 (Doc. #6512) as Puc 403.07 and renumbered by Doc. #7283, as Puc 403.09 to read as follows:

Puc 403.10 Bill Forms.

(a) Bills shall be rendered at regular intervals that shall end on the corresponding day of each month.

(b) Each bill shall show all factors as are necessary, so that the charges may be readily understood from the information appearing on the bill.

(c) Each bill shall indicate the following:

(1) The date of the current bill;

(2) For those utilities which charge interest and/or late charges after the due date:

a. The due date, as defined in Puc 402.07; and

b. Any applicable penalty approved in the utility's tariff or rate schedule, as applicable;

(3) Any applicable discount;

(4) The charges;

(5) The toll-free customer service telephone number of the utility;

(6) A statement directing customers to contact the utility regarding bill questions; and

(7) A statement that customer may call the commission for further assistance after first attempting to resolve disputes with the utility.

(d) All payments made at an authorized payment agency of the utility shall be credited to the customer's account and posted effective the date payment is rendered to the authorized payment agency.

(e) Bills shall be delivered:

(1) Via first class mail; or check with annotated version

(2) Via an electronic billing system when offered by the utility and elected by the customer.

(f) Each utility shall maintain and make available to the commission upon request an accurate account of all utility charges for service billed to each customer and shall maintain records showing the information from which each bill may be readily computed.

Readopt with amendment and renumber Puc 403.09, eff. 5-23-00 (Doc. #7283), as Puc 403.10 to read as follows:

Puc 403.11 Notice to Customers of Rate Increase.

(a) All utilities that file an application with the commission for any rate increase shall send to each affected customer a clear and concise notice of the proposed rate schedules.

(b) The utility shall provide the notice required by (a) above to affected customers as follows:

(1) By notice conspicuously written on the customer's bill;

(2) By bill insert;

(3) By electronic message in or accompanying an electronic bill; or

(4) By direct separate mailing.

(c) If the commission issues an order setting forth requirements for written notice which specifically waives, pursuant to Puc 201.05, the provisions of (b) above, the utility shall provide notice as set forth in the order.

(d) The utility shall provide the notice to customers required by (a) and (b) above

no later than 30 days following the date of filing.

(e) If the commission orders a rate increase, at any time up to and including 30 days following the date the bill or other written notice notifying the customer of the rate increase is rendered, any affected customer may request discontinuation of the relevant service and automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.

Repeal Puc 403.10, eff 5-23-00 (Doc. #7283).

~~Puc 403.10 Third Party Billing. A CTP which provides third party billing of toll charges shall, prior to allowing a third party customer to be billed for a charge to be incurred, require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred.~~

Readopt with amendment Puc 411, effective 5-23-00 (Document # 7283) to read as follows:

PART Puc 411 COMPETITIVE INTRALATA TOLL PROVIDERS

Puc 411.01 Application of Rules.

(a) The following commission rules shall apply to the providing of CTP service:

(1) Puc 102, relative to definitions of terms;

(2) Puc 200, procedural rules;

(3) The following provisions of Puc 400:

a. Puc 402, relative to definitions;

b. Puc 403.~~05~~06, relative to disconnection conferences with customers, except that any disconnection conference shall be, at the option of the CTP, conducted by telephone;

c. Puc 403.~~09~~10, relative to bill forms;

d. Puc 404.05, relative to confidentiality requirements;

e. Puc 404.06, relative to emergency operation;

f. Puc 404.07, relative to interruptions of service;

- g. Puc 405.01, relative to construction and maintenance of plant equipment;
- h. Puc 405.02, relative to grounded circuits;
- i. Puc 405.03, relative to trunk lines;
- j. Puc 405.05, relative to safety instructions;
- k. Puc 405.06, relative to accidents;
- l. Puc 405.07, relative to commission inspections;
- m. Puc 407.01, relative to accident reports;
- n. Puc 407.09, relative to form F-22, information sheet;
- o. Puc 411, relative to competitive intraLATA toll providers; and
- p. Puc 412, relative to unauthorized switching of customers and charges.

(4) Puc 800, underground utility damage protection program; and

(5) Puc 1200, uniform administration of utility customer relations.

Puc 411.02 Registration.

(a) Before commencing operations as a CTP in New Hampshire the entity proposing to provide CTP service shall register with the commission.

(b) In order to register with the commission an applicant shall simultaneously file with the commission:

(1) A completed registration form, on which the applicant shall provide:

- a. The applicant's legal name and name under which it does business;
- b. The applicant's business address;
- c. The federal tax identification number of the applicant;
- d. A statement as to whether the applicant or any of the general partners,

corporate officers, director of the company or limited liability company managers or officers have ever been convicted of any felony that has not been annulled by a court;

e. A statement as to whether the applicant or any of the persons listed in d. above:

1. Has, within the 10 years immediately prior to registration:

(i) Had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law, rule or regulation; or

(ii) Settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;

2. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;

f. If an affirmative answer is given to d. and/or e. above, an explanation of the event;

g. The name, title and telephone number of a regulatory contact person at the CTP;

h. A toll-free customer service number and the name of a consumer contact person;

i. The days of the week and hours the CTP shall operate its toll-free customer service number;

j. The signature of a person authorized to represent the applicant;

k. The date the registration form is signed; and

l. The title of the person authorized to represent the applicant who signs the registration form;

(2) Evidence that the CTP is fully registered with the New Hampshire secretary of state as a foreign or domestic entity in accordance with RSA 374:25;

(3) A written statement, signed under the penalties contained in RSA 641:3, relating to unsworn falsification, by an individual authorized to represent the CTP, certifying:

- a. To the truthfulness of the material provided in the application; and
- b. That the CTP will comply with all applicable statutes, administrative rules and orders of the commission; and

(4) Either:

a. As to any CTP not an ILEC:

- 1. Rate schedules; or
- 2. A tariff, pursuant to Puc 1600; or

b. As to any CTP which is also an ILEC, a tariff, pursuant to Puc 1600.

(c) Rate schedules, required pursuant to (b)(4) a. above, shall include for each service offered:

- (1) The name of the service;
- (2) A brief description of the service offered;
- (3) The price at which the service is offered; and
- (4) The date on which each rate is proposed to become effective.

(d) To register, a CTP shall file with the tariff administrator at the commission:

(1) The original of the registration form required by (b) above; and

(2) Either:

a. As to a CTP which is not an ILEC, an original and one copy of:

- 1. Rate schedules; and/or
- 2. A tariff; or

b. As to a CTP which is an ILEC, an original and 8 copies of a tariff

(e) Notwithstanding Puc 1603.03(a) and Puc 202.07 which require the filing of an original and 8 copies of tariffs, a CTP which is not an ILEC shall file only an original and one copy of its rate schedules or tariff, filed pursuant to (e)(2) above.

(f) Once a CTP has provided the applicable material required by this section, the commission shall, except as provided in Puc 411.03, issue a certificate of authorization which shall allow the applicant to provide CTP service.

(g) Any certification of authorization obtained by a CTP under this part shall be non-transferable.

(h) Each CTP shall notify the commission in writing within 10 days after any material change in the registration information required by Puc 411.02(b)(1) through (3).

(i) Providers of CTP services which are registered with the commission as of the effective date of this part shall not be required to re-register pursuant to this part.

(j) Any authorized ILEC shall not be required to register pursuant to this part.

Puc 411.03 Denial of Registration.

(a) Upon a finding by the executive director and secretary of the commission that there is evidence to support a denial of the registration application, as set forth in (b) below, the commission shall:

(1) Notify the applicant in writing of the basis for denial of the registration application;

(2) Confirm the date that the documents filed by the applicant were received as a formal application for registration; and

(3) Give notice of a hearing to be held, pursuant to RSA 541-A:29, II, within 120 days of receipt of the registration application.

(b) The commission shall deny an application for registration and/or impose one or more of the restrictions set forth in Puc 411.14(a), if it determines that:

(1) The applicant and/or its key personnel, as referred to in Puc 411.02(b)(1)d. and e., have:

a. Committed an act that would constitute good cause to find a violation of authorization pursuant to Puc 411.14(b);

b. Been convicted of a crime as described in Puc 411.02(b)(1),d. or e.;

c. Knowingly made a material false statement of fact in the application;
or

d. Demonstrated on its application materials such flagrant and/or repeated violations of the requirements to operate as a utility and/or a CTP in other state(s) that the commission determines that it is not in the public good to allow registration; and

(2) The crime or act referred to in (b)(1) above is substantially related to the qualifications, functions or duties required to provide CTP services.

Puc 411.04 Transfer or Lease of a CTP or Right to Service a Customer.

(a) When a CTP proposes to transfer or lease its franchise, works or system, or any part of such franchise, works or system, exercised or located in this state, including but not limited to a transfer or lease of the right to serve any customer of the CTP, or contracts for the operation of its works and system located in this state, prior to the proposed transfer or lease:

(1) Except as provided in (c) below, the CTP shall provide notice to each affected customer pursuant to (b) below; and

(2) The proposed transferee or lessee shall register as a CTP, pursuant to Puc 411, if not already so registered.

(b) In addition to any applicable requirements contained in the commission order relating to approval of the transfer or lease and in Puc 412, the CTP shall give notice to each affected customer of the change in carrier, pursuant to (a)(~~2~~1) above, as follows:

(1) Not less than 14 days prior to the effective date of such change, provide clear and conspicuous written notice to each affected customer which shall include:

a. Notice that the CTP shall discontinue providing CTP services to the customer;

b. Notice that the customer shall select an alternate CTP provider or the customer will be assigned to the proposed transferee or lessee carrier;

c. Notice of the date the CTP shall discontinue providing CTP services to the customer;

d. Notice that the change in carrier shall be without charge to the

customer;

e. A clear statement:

1. Of any difference in the rates and/or terms and conditions of service of the CTP and the rates and/or terms and conditions of service of the proposed transferee or lessee CTP; or

2. That the rates and terms and conditions of service of the CTP and the proposed transferee or lessee CTP are the same;

f. The name, address and telephone number of the proposed transferee or lessee CTP if the customer does not select an alternate carrier within the prescribed time period; and

g. Notice of the time period within which the customer shall make a selection of any alternate CTP or be assigned to the default or successor carrier, if different than the date the CTP shall cease to provide service to the affected customer;

(2) Provide a copy of the notice described in (1) above to the commission at the same time notice is sent to affected customers; and

(3) Within 30 days of the effective date of the change, refund to its customers any applicable amounts owed.

(c) A transfer or lease of a CTP to another person or entity, as described in (a) above, shall require the notice set forth in (d) below rather than the notice set forth in (b) above, when the following conditions exist:

(1) The existing CTP, serving the customer(s) in question, will continue to exist, serving its customers under the same name;

(2) The transfer or lease will result in no change in the existing CTP's customers' rates, terms, or conditions of service;

(3) The CTP notifies its affected customers in writing of the transfer or lease, pursuant to (d) below, and of the opportunity for the customer to change carriers at no extra charge;

(4) There will be no interruption in or diminution in the quality of service; and

(5) The CTP does not charge any customer who selects another carrier for intraLATA toll service in connection with the transfer or lease.

(d) When a transfer or lease of a utility franchise or portion thereof meets the requirements of (c) above, the utility shall provide notice to each affected customer as follows:

(1) Each affected customer shall have the opportunity, for not less than 14 days after the date of the notice, to choose, without additional charge, another intraLATA toll provider; and

(2) The name, address and telephone number of the carrier which will provide the customer intraLATA toll provider service if the customer does not make a choice by the end of the notice period.

(e) As to the notices required to be sent to the customer describing a proposed change in CTP carrier as described in (b) and (d) above,

(1) The notice may be sent with the customer's billing statement;

(2) The notice shall be sent by the original CTP, not the proposed transferee or lessee provider; and

(3) The notice shall be sent separately from promotional materials relating to services proposed to be provided by the proposed transferee or lessee provider.

(f) If the commission determines that a CTP has not made adequate provisions for discontinuance of service or for a successor provider, the commission shall order notice to affected customers clarifying the customer's rights and obligations.

Puc 411.05 Discontinuance of Operations.

(a) When a CTP provider proposes ceasing to provide CTP services, the CTP shall:

(1) At least 14 days prior to the cessation of operations, provide:

a. Written notice to the commission;

b. Written notice to its customers of cessation of operation which shall include:

1. Notice that, in order to continue to be provided intraLATA toll service, the customer shall select an alternate CTP; and

2. Notice of the time period, which shall not be less than 14 days from notification, within which the customer shall make a selection of a new CTP; and

(2) Refund to its customers any applicable amounts owed.

Puc 411.06 Rates Schedules and Tariffs.

(a) Each CTP shall maintain on file with the commission complete and current:

(1) Rate schedules; and/or

(2) Tariff schedules, pursuant to Puc 1600.

(b) As to any tariff filed with the commission by a CTP which is not an ILEC, pursuant to (a)(2) above:

(1) The commission shall maintain the CTP's tariff on file for informational purposes;

(2) The filing of the tariff shall not create a presumption that the commission has either reviewed or approved the terms of the tariff on file;

(3) The commission shall presume the terms of the tariff are just and reasonable unless and until a complaint is raised by the public at which time the tariff shall be subject to review; and

(4) The CTP shall not include any provisions in its rate schedules or tariff filings which are inconsistent with applicable commission rules and/or statutory requirements.

(c) A CTP which is also an ILEC shall, as part of the tariff it is required to file pursuant to Puc 1600, itemize and describe the services it offers as a CTP.

(d) A CTP which is not an ILEC may file a tariff which itemizes its CTP services.

Puc 411.07 Disconnection of Residential Service and Non-Residential Service

(a) For customer initiated disconnections of toll service, a CTP may require a residential customer to:

(1) Provide 1 business day notice of intent to discontinue service; and

(2) Be responsible for all charges until expiration of the notice period referred to in (1) above.

(b) For all other disconnections of toll service, a CTP may disconnect service in conformance with Puc 411 when:

- (1) The customer has failed to pay any undisputed bill for toll service within 30 days from the bill date unless the customer has established a payment arrangement with the CTP;
- (2) The customer, resident in the customer's household, or employee of the customer's business has fraudulently used or procured toll service; or
- (3) The disconnection is in accordance with the terms and conditions of the contract for service provided by the CTP to the customer.

(c) A CTP shall not disconnect a customer or remove a customer from the customer's selected calling plan if the CTP bills for toll service in advance and the service has not yet been provided.

(d) Notice of disconnection shall be provided to customers verbally or in writing no fewer than 5 days and no more than 14 days prior to the proposed disconnection date

(e) When a CTP disconnects a customer at the customer's request, the CTP shall:

(1) Block the customer from its system so that

a. The calls placed by the customer will no longer be carried over the CTP's network; and

b. The block ~~shall only~~ blocks only the customer's access to the CTP's network and shall not block the customer's access to the networks of other CTPs; and

(2) Advise the customer to contact their LEC to remove the IXC as the customer's primary interexchange carrier.

(f) When a CTP disconnects a customer for non-payment of toll service, the CTP shall:

(1) Block the customer from its system so that:

a. the ~~The~~ customer cannot complete a call on the CTP's network; and

b. provided that the ~~The~~ block ~~shall only~~ blocks only the customer's access to the CTP's network and ~~shall~~ not block the customer's access to the networks of other CTPs; and

(2) Notify, within 1 business day, the ILEC or CLEC which provides the customer's basic service of:

a. The block on the customer's phone; and

b. Any subsequent restoration of service to the customer.

(3) Remove the block and restore the customer's toll service including the restoration of the customer's selected calling plan once payment has been received or the CTP and the customer have agreed to a payment arrangement.

(g) Unless otherwise requested by the customer, a CTP shall only disconnect service to its customers between 8:00 am and 3:00 pm eastern time.

(h) Unless otherwise requested by the customer, a CTP shall not disconnect service to customers during the hours specified in (g) above if the disconnection would occur on:

(1) A state or federal holiday;

(2) The day preceding a state or federal holiday;

(3) A day the commission is closed to the public; or

(4) The day preceding a day that commission is closed to the public.

Puc 411.08 Disconnection of Associated Tariffed Services.

(a) For the purposes of this section, "associated service" means toll service provided to an additional existing telephone line by the same toll provider to the same customer at the same location for the same classification of service.

(b) A CTP may disconnect the toll service of a customer for non-payment of toll service on another line.

Puc 411.09 Third Party Billing. A CTP which provides third party billing of toll charges shall, prior to allowing a third party customer to be billed for a charge to be incurred, require its operators to verify the agreement of the third party customer to accept liability for the charge to be incurred.

Puc 411.10 Changes in Prices and Services Offered.

(a) CTPs shall, pursuant to RSA 378:3, notify the commission in writing at least 30 days in advance of its proposed effective date, of any of the following:

(1) A new CTP service;

(2) The price at which a new CTP service shall be offered; or

(3) Any change, other than a change in price, to an existing CTP service.

(b) In order for a change in the price of an existing CTP service to become effective, a CTP shall file the changed rate with the commission at least one day before the new rate's proposed effective date.

(c) A CTP shall file an original and one copy of the material required pursuant to (a) and (b) above with the tariff administrator at the commission.

(d) Prior to the effective date of a price increase, a CTP shall notify its affected customers in writing of the increase in the following manner:

(1) By notice conspicuously written on the customer's bill;

(2) By bill insert; or

(3) By direct separate mailing.

(e) If the commission issues an order setting forth requirements for written notice which specifically waives, pursuant to Puc 201.05, the provisions of (d) above, the utility shall provide notice as set forth in that order.

(f) For 30 days following the date the bill or other written notice notifying the customer of a rate increase is rendered, any affected customer may request discontinuation of the relevant service and automatically receive an adjustment in the amount of the increase, retroactive to the effective date of the rate increase.

Puc 411.11 Utility Assessment. CTPs shall be responsible for the utility assessment for commission operations pursuant to RSA 363-A.

Puc 411.12 Reporting Requirements.

(a) Each CTP shall file Form F-22, as required by Puc 407.09, annually and whenever any changes occur in the information required to be included in Form F-22.

(b) Each CTP shall file with the commission a completed annual report, as described in (c) below, on or before March 31 of each year based on the previous calendar year.

(c) Each CTP shall include, as to its New Hampshire operations, the following in its annual report required by (b) above:

(1) A statement of the CTP's assets, liabilities, income and expenses;

- (2) A statement of the CTP's New Hampshire specific revenues;
- (3) The number of presubscribed access lines which it has as of December 31;
- (4) The total number of intrastate conversation minutes which the CTP billed during the year;
- (5) A listing of the CTP's corporate officers and their titles;
- (6) The total miles of sheath fiber cable installed in New Hampshire owned by the CTP;
- (7) The total miles of sheath copper cable installed in New Hampshire owned by the CTP; and
- (8) The number and location of switches installed in New Hampshire which the CTP operated during the year.

(d) Each CTP shall, as part of the annual report required by this section, complete and properly execute under oath a certification form, which provides as follows:

"I do swear or affirm that the foregoing report has been prepared under my direction, from the original books, papers and records of the reporting entity, that I have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of the reporting entity, in respect to each and every matter and thing therein set forth to the best of our knowledge, information and belief; and that the accounts and figures contained in the foregoing report embrace all of the financial operations of the reporting entity during the period for which said report is made."

(e) The certification set forth in (d) above shall be made and subscribed under oath, pursuant to RSA 374:15 and RSA 92:3, by the CTP by its president or other chief officer and treasurer or other officer in charge of accounts whose signature(s) shall be notarized by a notary official in conformance with New Hampshire law.

(f) By submitting and/or signing the annual report required by this section, the person submitting and/or signing the form, on behalf of themselves and the CTP, thereby agree to comply with the certification statement set forth in (d) above.

Puc 411.13 Unauthorized Switching or Slamming and Unauthorized Charges or Cramming

(a) Each CTP shall be subject to RSA 374:28-a and Puc 412, which prohibit slamming or unauthorized switching of customers.

(b) Each CTP shall be subject to RSA 378:44-48 and Puc 412, which prohibit the inclusion in a customer's bill of any charges which are unauthorized, misleading or deceptive.

Puc 411.14 Violation of Authorization.

(a) If, after notice, an opportunity to be heard and issuance of specific findings of fact supporting its determination, the commission determines that good cause exists, it shall issue an order as to a CTP:

- (1) Revoking, suspending, modifying or imposing conditions upon its certificate of registration;
- (2) Imposing fines or penalties, pursuant to RSA 365:41, RSA 374:28-a, II and/or RSA 378:46;
- (3) Requiring reparation to a subscriber or affected party pursuant to RSA 365:29; or
- (4) Providing for such other penalty as permitted by statute, consistent with (1) through (3) above.

(b) Good cause, pursuant to (a) above, shall include but not be limited to the following actions by a CTP:

- (1) Unauthorized switching of customer CTP services, or slamming, in violation of RSA 374:28-a and Puc 412 ;
- (2) Inclusion of unauthorized, misleading or deceptive charges in a customer's billing, or "cramming", in violation of RSA 378:44-48 and Puc 412;
- (3) Conducting business in an unfair or deceptive manner;
- (4) Consistent or flagrant violation of applicable statutes, commission rules or commission orders; or
- (5) Any other factor(s) which leads the commission to conclude that the applicant has demonstrated it does not meet the minimum standards to operate as a provider.

(c) Upon a finding as provided in (b) above, the commission shall issue an order providing for one or more of the consequences set forth in (a) above.

(d) The commission shall determine which consequences set forth in (a) above are most applicable after considering:

- (1) The nature of the infraction;
- (2) The severity of the infraction; and
- (3) Monetary or other damages to an end user, a utility or a member of the public resulting from the infraction.